



U.S. Department
of Transportation

Pipeline and
Hazardous Materials
Safety Administration

400 Seventh Street, S.W.
Washington, D.C. 20590

SEP 20 2005

DOT-E 5945
(EIGHTH REVISION)

EXPIRATION DATE: August 31, 2007

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Air Liquide America L.P.
(Former Grantee: Air Liquide America Corporation)
Houston, TX
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the use of a small capacity insulated portable tank for the transportation in commerce of carbon dioxide, refrigerated liquid, subject to the limitations and special requirements specified herein. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.315 in that a non-DOT specification portable tank is not authorized, except as specified herein.
5. BASIS: This exemption is based on the application of Air Liquide America L.P. dated August 30, 2005, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

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Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Carbon dioxide, refrigerated liquid	2.2	UN2187	N/A

7. SAFETY CONTROL MEASURES: PACKAGING - Prescribed packaging is a 825 pound water capacity portable tank mounted on wheels having an inner tank made of SA 515 Gr 70 steel with a design pressure of 363 psi, an insulation of polyurethane foamed in place, and an outer jacket of SA 515 Gr 70 steel or reinforced fiber glass. Each tank must be designed and constructed to ASME Code (and so marked) and § 178.245 (DOT Specification 51 portable tanks) except that the tank's water capacity is less than 1,000 pounds and is not marked "DOT Specification 51." Each tank must be protected by at least one safety relief valve set at 357 psi.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modification or change is made to the package or its contents and it is reoffered for transportation in conformance with this exemption and the HMR.

b. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

c. The tank wheels must be rendered inoperative during transportation.

d. Before transportation in an empty condition, each tank must be emptied of liquid content. In addition, the vapor pressure must be so reduced as to avoid the possibility of venting en route.

e. MARKING - Each portable tank must be marked "DOT-E 5945" on the nameplate in place of the DOT Specification number.

f. Packages specified herein marked "DOT SP 5945" prior to April 30, 1976, may be transported under the terms of this exemption.

g. TESTING - Each portable tank must be reinspected and retested in accordance with § 173.32(e) as prescribed for DOT Specification 51 portable tanks.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: This exemption imposes no additional modal specific requirements.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this exemption are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this exemption must notify the Associate Administrator for Hazardous Materials Safety -- OHMEA, in writing, of any incident involving a package, shipment or operation conducted under terms of this exemption.

Issued in Washington, D.C.:



Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

SEP 20 2005

DATE

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, D.C. 20590. Attention: PHH-31.

Copies of this exemption may be obtained by accessing the Hazardous Materials safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: CS